

09 July 2012

Islamic Human Rights Commission

France

Submission to the UN Universal Periodic Review

Fifteenth session of the UPR Working Group of the Human Rights Council

Jan-Feb 2013



The Islamic Human Rights Commission is an NGO in Special Consultative Status with the Economic and Social Council of the United Nations.

www.ihrc.org.uk

Executive Summary

In this submission, Islamic Human Rights Commission provides information under section B, C, D and E as stipulated in the General Guidelines for the Preparation of Information under the Universal Periodic Review:

- Under section B, IHRC raises concerns over the ongoing 'hate policies'¹ and discrimination against Muslims which is being developed in the France in the form on Burqa ban, as well as hate representation in the media and the public and political sphere, e.g. derogatory², colloquial comments being made by politicians about Muslim women and youth, electioneering using the targeting of Halal meat etc.
- Section C highlights IHRC's concerns over the rising Islamophobia in the country which has resulted in hate crimes like physical attack on Muslims, vandalising of Mosques, graves etc.
- In section D, IHRC makes a number of recommendations for actions by the government in the areas of concern.

B. Rising Islamophobia and Hate Policies

IHRC is alarmed to note the rising Islamophobic tendencies in France and fear for the safety and protection of Muslim minority living in the country. CCiF (Collectif contre l'islamophobie en France) notes that 'Islamophobic incidents in France since 2003 have undergone peaks and troughs. As 2006 turned to 2007 cruder forms of Islamophobia became apparent in French society with attacks upon Muslims by neo Nazis and the graves of Muslim WW2 soldiers being desecrated, Islamophobia has now very much infiltrated the public realm and can be visibly seen to have penetrated French social spaces such as shopping malls and other recreational spaces.' According to the IHRC findings individuals between the age of 19 – 29 year have experienced hate crimes and acts more than any other age group with the frequency of 48.9 percent.³

Burqa Ban

One such example of the rising Islamophobia and hate policy is the introduction of burqa ban by French Government since 2011. This discriminatory legislation ban Muslim women in full face veils or niqab from any public activity including walking down the street, taking a bus, going to shops or collecting their children from school. The offenders can face a fine of 150 euros and a citizenship course. According to French politicians they are promoting of gender equality and dignity of women by introducing such measures however, IHRC noticed the end result of the legislation is mixture of confusion and apathy. Muslim women are frequently facing discrimination and verbal and physical violence in the French society if they decide to stick to their religious values. There have been instances

¹ France and The Hated Society: Muslims Experiences, Published by IHRC, Forthcoming 2012

² France and The Hated Society: Muslims Experiences, Published by IHRC, Forthcoming 2012

³ France and The Hated Society: Muslims Experiences, Published by IHRC, Forthcoming 2012

of people in the street taking the law into their hands and trying to rip off full face veils, of bus drivers refusing to carry women in niqab or of shop owner trying to bar entry.

One year after France introduced a law banning women from wearing full face veils in public officials report that around 300 have been fined. According to Le Parisien newspaper in one year there have been 354 police checks and 299 fines have been issued against Muslim women. Last year in 2011 Hind Ahmas, a 32 years old Muslim women was sentenced 15 days of 'citizenship service' after she was caught wearing a full face veil in public and refused to remove it. Having said that she will not obey court's order and refuse to remove her veil Ahmad now risks a two years prison sentence and 30,000 euros fine. On 26 March 2012 at Juvisy-sur-Orge a young woman wearing a veil was attacked. She was violently assaulted and threatened with knife. More recently on 19 June 2012 a women wearing hijab was refused entry into the local bank. It is also being reported that now some French airports have begun to ask head scarf wearing women to take off their scarves for security reasons.

IHRC condemn these discriminatory incidents which excludes Muslim women from social sphere and argue that the burqa ban breaches Article 8 (right to life), Article 9 (freedom of religion), 10 (freedom of expression) and Article 14 (no discrimination) of the European Convention on Human Rights.

Targeting of Muslim Women

The implications of ban on burqa and religious symbols have also affected Muslim women who do not wear niqab. The French Government believes that ban on religious symbols in schools and burqa will encourage secular values in society and would empower women. However, many leading human rights organisations including IHRC argues that the these bans have increased hostility towards Muslim women rather than protecting them. These bans i.e. both on face veil and religious symbols violate essential human rights defined by the Charter for the Fundamental Rights of the European Union (Charter) and the European Convention on Human Rights (ECHR), to which France is a state party. Both Article 9 of the ECHR and Article 10 of the Charter, seek to ensure freedom of thought, conscience, and religion including the freedom to manifest religion or belief in worship and observance. Furthermore, the also breaches Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) obligations which recognizes state obligation to take measures to abolish laws, regulations, customs and practices that discriminate against women (Article 2) and to modify social and cultural patterns to eliminate discriminatory practices (Article 5).

As a result of this ban Muslim women are literally under house arrest and are facing social isolation. Also, they are more vulnerable towards physical assault now as compared to the past. This ban has snatched their right to express their religious views and right to make choices for themselves. It has recently been suggested by the CCIF that as a result of the ban on religious symbols most hate crimes are perpetrated against women as 63.3% females are subject to hate crimes and compared to 36.7% males.

Demonization of Muslims over ritual slaughter and racist electioneering

Anti-Muslim and anti-immigrant rhetoric has played an increasing role in elections in France over the last thirty years. One such example is the recent election campaign in France where Nicolas Sarkozy raised the issue of halal meat at the outset of his campaign as the number one factor affecting the French public. Building on Islamophobic (and anti-Semitic) denigration of ritual slaughter, Sarkozy has argued that non-Muslims are accidentally eating halal meat which has not been clearly labelled as halal. His statement outraged both Muslims and Jews residing in France who believe that the government has

no place giving advice about religious traditions. This exemplifies the process of demonisation of Muslims in an increasingly racist manner.

Failure of the Haute Autorité de Lutte contre les Discriminations et pour l'Égalité (HALDE) and rising discrimination

IHRC is concerned that the HALDE has failed to protect the muslim minority in France from racist attack and policies. Examples can be seen in school where the Muslim girls wearing religious symbols e.g. hijab etc are sent back to their homes. One recent example took place near Paris in March 2012 when a secondary school pupil was sent home because her long skirt conveyed religious values.

According to CCiF these manifestations of Islamophobia against individuals is that it affects all areas of social life. Discrimination against Muslims in education has evolved to Islamophobia which in turn has seeped into other areas.

Hate Representation

Respondents⁴ to IHRC's survey of Muslims in France in 2010 show that the demonised representation of Muslims in the media and political discourse are seen as the main causes of hate crimes and discrimination.

C. Hate Crimes

IHRC is alarmed about the increasing hate crimes against Muslims and Muslim communities which take various forms like profanation of cemeteries and mosques, physical attacks, insults, provocations and burning or profanation of the Koran.

Given the above, IHRC feels that the rise in hate crimes cannot be viewed in a vacuum, and that governmental policies must be held to account for the normalisation of anti-Muslim hatred in everyday life at street level.

Vandalising of Mosques

Numerous reports of attacks can be found in the media and in reports of compiled by IHRC, CCiF and other human rights bodies. According to the CCiF in 2010, 22 mosques were targeted, including eight who suffered serious damage (such as fire, etc..). 11 of them were covered in hostile and insulting

⁴ France and The Hated Society: Muslims Experiences, Published by IHRC, Forthcoming 2012

messages (such as "Islam out of France") and last 3 have been soiled by urine and / or pig heads. Similar attacks are reported throughout 2011 – 12.

Physical attacks on Muslims

The rising tide of Islamophobia is also evident from the recent physical attacks on Muslims. An attack in May 2012 in Amiens exemplifies the problem of double discrimination. Despite the clear evidence of anti-Muslim racism, it took police and prosecutors weeks to acknowledge the racist nature of the attack and to reflect it in the charges eventually brought against the two alleged perpetrators.

IHRC condemn these criminal activities and discrimination on the ground of race and religion. According to IHRC's study Muslims are frequently attacked in France and the lack of a supportive sufficient law enforcement system has made them vulnerable to such attacks.

D. Recommendations

- IHRC calls on the French government to lift the ban on hijab/niqab and respect Muslim women's right to express their beliefs.
- The government should take steps to protect mosques, cemeteries and schools from vandalism and the culprits should be punished.
- A more open and inclusive academic regime must be fostered in the French academic community.

